

# Decision of the Council for the Judiciary on the Evaluation of Conduct of Insolvency Proceedings

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On evaluation of the conduct of insolvency proceedings

When assessing the criticism expressed in the public space about the insolvency proceedings, as well as the opinions and suggestions expressed during the sitting of the Council for further actions regarding the solving of issues related to insolvency proceedings and regarding the development of the judicial system in general, the Council for the Judiciary decided:

To invite the Supreme Court, by attracting experts in the field of justice, to collect and analyze cases of insolvency and legal protection in which protests were accepted from 2008 to 2014 and, if necessary, randomly investigate cases in which a protest has not been filed.

To invite the Ministry of Justice, in cooperation with the Court Administration, to carry out an examination of the specialization of judges and the distribution of cases in insolvency matters at first instance courts from 2008 until 2014.

Having established that since 2014 there has been made a significant positive change to the legal framework and proceedings in the field of insolvency, the following tasks should be set for the further improvement and development of the system:

- 3.1. To encourage the Judicial Qualification Committee, in co-operation with the Court Administration, to develop and submit the necessary draft amendments to the content and procedure of the evaluation of judges' professional activities, in particular as regards the scope of the information to be assessed.
- 3.2. To encourage the Court Administration to strengthen the capacity of the Judicial Qualification Committee.
- 3.3. To support the necessity of amendments to the Judicial Disciplinary Liability Law, providing the Judicial Disciplinary Committee with the right to determine the extraordinary evaluation of the judge's professional activities.
- 3.4. Continuing with the improvement of the system of selection of judicial candidates, to develop a procedure for the selection of candidates for the position of a judge aiming at the inclusion of highly qualified, professional candidates in the judicial system.
- 3.5. To call the chairs of the courts, when determining the specialization of judges, to ensure the adherence to the principle of the random allocation of cases.
- 3.6. To request the judges to inform the chair of the court when reviewing lower court decisions and finding signs of a disciplinary offense.
- 3.7. To encourage judges to comply with ethical standards, strengthening public trust in the courts and the rule of law in the country.
- 3.8. To encourage the judicial self-governing bodies to actively cooperate with the Council for the Judiciary for the improvement of the efficiency of its activity and for identifying and solving important issues of the judicial system.

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